
**STANDARDS OF ASSISTANCE
AU COMPOSITION AND NEED**

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CHAPTER 44-200 AU COMPOSITION AND NEED

44-200 RELOCATION OF ASSISTANCE UNIT REGULATIONS 44-200

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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| 44-203 | PERSONS WHO MAY BE INCLUDED IN THE FBU - DEFINITIONS | 44-203 |
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Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.90(c)(2)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

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| 44-205 | ESTABLISHING THE AU | 44-205 |
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| .1 Aid Based on Pregnancy

| .11 When the unaided father of the unborn is living in the home with a pregnant woman who is in an AU of one without an eligible child, the father is an excluded parent and his income is treated in accordance with Section 44-133.3.

| .12 The application for aid based on pregnancy and/or the application for the pregnancy special need is considered an application for the "family". In addition to the pregnant woman, the family includes the following:

| .121 The unborn, when born and living with the mother.

| (a) Section 44-205.121(a)(MR) shall become inoperative and Section 44-205.121(a)(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's Declaration.

| (MR) The otherwise eligible newborn shall be added to the assistance unit effective the date the newborn joins the assistance unit and meets the conditions of eligibility.

| (QR) The otherwise eligible newborn shall be added to the assistance unit effective the first of the month following the month in which the birth was reported if it results in an increase in cash aid and all conditions of eligibility have been met and verification has been provided.

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| Handbook Section 44-205.121(a)(MR) shall become inoperative and Handbook Section 44-205.121(a)(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

| (MR) In most cases the effective date of including the needs of the newborn will be the date of birth.

| (QR) In most cases, the effective date of including the needs of the newborn will be the first of the month following the month in which the birth was reported.

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| 44-205 | ESTABLISHING THE AU (Continued) | 44-205 |
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- .122 The father of the unborn when he is in the home at the time application is made and through the month of birth. See Section 82-832.13.
- (a) Section 44-205.122(a)(MR) shall become inoperative and Section 44-205.122(a)(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
- (MR) The unaided father shall be added to the assistance unit effective the date the father meets all eligibility requirements, on or after the date the child is born.
- (QR) The unaided father shall be added to the AU effective the first of the month following the month in which the birth was reported if adding him results in an increase to cash aid and all conditions of eligibility have been met and verification has been provided. If adding him results in a decrease, the father shall be added to the AU in the following quarter, if all conditions of eligibility have been met and verification provided, pursuant to Section 44-318.16(QR).
- .2 Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.
- .3 Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.
- .4 Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.
- .5 Renumbered by Manual Letter No. EAS-91-14, effective 10/1/91.
- .6 Renumbered by Manual Letter No. EAS-04-07, effective 7/1/04.

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| 44-205 | ESTABLISHING THE AU (Continued) | 44-205 |
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.7 Section 44-205.7(MR) et seq. shall become inoperative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) Separate FBU

(MR) .71 A separate FBU for an otherwise eligible person(s) whose needs were not considered in the lump-sum computation may be established when the existing FBU is in the period of ineligibility resulting from receipt of lump-sum income.

.72 Repealed by DSS Manual Letter No. EAS-88-05, effective 5/28/88.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I); 54 FR 42172 (October 13, 1989); 45 CFR 206.10(a)(1)(vii) and 250.34(c)(3); Federal Action Transmittal SSA-AT-86-01, Sections 10553, 10554, 10604, 11265.1, 11265.2, 11265.3, 11327.5(c)(3), 11450(b) and 11450.5, Welfare and Institutions Code; and Simon v. McMahon, Stipulation for Dismissal and Order, April 21, 1989, Contra Costa Superior Court, No. 272468.

| | | |
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| 44-206 | PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) | 44-206 |
|---------------|-------------------------------------------------------------------|---------------|

.1 The following persons shall be excluded from the assistance unit:

(a) A person who is being sanctioned for any of the following reasons:

- (1) A parent, pregnant woman, or needy caretaker relative who refuses to apply for or accept unconditionally available income. (Section 44-103.22).
- (b) Any member of a federally eligible AU, other than the caretaker relative who is the natural or adoptive parent, who is participating in a strike, as defined in Section 41-703.22, on the last day of the month, shall be ineligible in that month. The person remains ineligible for any subsequent month(s) in which the county can reasonably estimate that such person's participation in the strike will continue through the last day of the month. If aid to such person is discontinued, reduced, or denied because the county estimated that he or she would be participating in a strike on the last day of the month and the applicant or recipient later reports that such person's participation in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.

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| 44-206 | PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) (Continued) | 44-206 |
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.2 The entire family is ineligible for aid payments when:

.21 A federally eligible caretaker relative who is the natural or adoptive parent living in the home of the aided child is participating in a strike as defined in Section 41-703.22, on the last day of the month. The AU remains ineligible for any subsequent month(s) in which the county can reasonably estimate that participation in the strike will continue through the last day of the month. If aid is discontinued, reduced, or denied because the county estimated that the caretaker relative parent would be participating in a strike through the last day of the month and the applicant or recipient later reports that participating in the strike ceased before the last day of the month, the county shall rescind the discontinuance, reduction, or denial and issue the correct grant.

.211 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.212 An applicant or recipient will be considered to be participating in a strike if he or she has voluntarily stopped or slowed down work or otherwise interrupted the business activities of the employer as part of a concerted activity described in .211 above. When the applicant or recipient has been denied Unemployment Insurance Benefits because he or she has voluntarily left work due to a trade dispute, that person will be considered to be participating in a strike, except as specified in .213 below.

.213 Stoppage or slowdown of work by employees in good faith shall not be considered a strike or participation in a strike when a lockout has occurred or when the action was necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by Division of Occupational Safety and Health.

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.214 The entire family that is ineligible for aid under Section 44-206.21, may be eligible for benefits under the State-only AFDC-U Programs (see Section 41-703).

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.22 Repealed by Manual Letter No. EAS-98-03, effective 7/1/98.

.23 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.24 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.25 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

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| 44-206 | PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE UNIT (AU) (Continued) | 44-206 |
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NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 42 USC 602(a)(19)(G)(i)(I) and (II); Section 202(a), Public Law 100-485; 45 CFR 244.0(c) and 250.34(c)(1) and (2); and Sections 10553, 10554, 10604, 11157 (Ch. 270, Stats. 1997), and 11327.5(c)(1), Welfare and Institutions Code.

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|---------------|---------------------------|---------------|
| 44-207 | INCOME ELIGIBILITY | 44-207 |
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- .1 The following financial eligibility test shall be applied to applicant cases.
- .11 An applicant family shall not be eligible for cash aid unless the family's income, exclusive of the first ninety dollars (\$90) of earned income for each employed person, is less than the Minimum Basic Standard of Adequate Care (MBSAC) for the family.

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Example: Applicant applies for assistance for herself and her one dependent child. The mother (applicant) works part-time for \$600 per month. The family is nonexempt and lives in Region 2.

Applicant Eligibility Determination

| | |
|--------|------------------------------|
| \$ 600 | Earned Income |
| - 90 | \$90 Earned Income Disregard |
| \$ 510 | Total Net Nonexempt Income |
| \$ 594 | MBSAC for two |

Family passes the MBSAC test (MBSAC is greater than Net Nonexempt Income)

See Section 44-207.2 for second step in the financial eligibility test for applicants.

HANDBOOK ENDS HERE

- .111 The MBSAC is the amount of money which is necessary to provide a family with the following:
- a. Housing.

| | | |
|---------------|---------------------------------------|---------------|
| 44-207 | INCOME ELIGIBILITY (Continued) | 44-207 |
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- b. Clothing.
- c. Food.
- d. Utilities.
- e. Items for household operation, education and incidentals, recreation, personal needs, and insurance.
- f. Essential medical, dental, or other remedial care not otherwise provided at public expense.

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.112 The MBSAC for the family applies in determining financial eligibility for applicants, the value of in-kind income for the AU, the amount of income from a sponsor available to a sponsored alien, the period of ineligibility for non-qualifying withdrawals from restricted accounts and transfer of assets. The MBSAC amounts are set forth in Welfare and Institutions Code Section 11452.

- (a) See Section 44-315.311 for the current MBSAC amounts.

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.12 When estimating income for eligibility, all relevant information available to the county and the recipient shall be taken into consideration. See Section 44-113.21 for computations.

.2 The following financial eligibility test shall be applied to both applicant and recipient cases.

.21 Section 44-207.21(MR) shall become inoperative and Section 44-207.21(QR) et seq. shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's Declaration.

(MR) The AU is financially eligible for any month in which on the first of the month the combined actual or estimated net nonexempt income, after the income and needs of the family are considered (pursuant to Sections 44-133 and 44-315.3), is less than the Maximum Aid Payment (MAP) for the AU.

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| 44-207 | INCOME ELIGIBILITY (Continued) | 44-207 |
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(QR) The AU is financially eligible as follows:

(QR) .211 An AU is financially eligible for the QR Payment Quarter if the family's combined reasonably anticipated monthly net non-exempt income for the quarter, after the income and needs of the family are considered (pursuant to Sections 44-133(QR) and 44-315.3(QR)), is less than the MAP for the AU.

(QR) .212 A recipient AU will remain financially eligible during the QR Payment Quarter if the family's combined monthly net non-exempt income does not exceed the family's MAP level for more than one month of the QR Payment Quarter in accordance with Section 44-316.324(QR).

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Example:

Recipient receives aid for herself and her four children. Also living in the home is the recipient's spouse (unaided stepparent). Stepparent earns \$1612 per month from full-time employment. Mother receives \$300 per month in State Disability Insurance benefits. No other income is received by family members. The AU is exempt and resides in Region 2.

Eligibility/Grant Computation:

| | |
|--------------|-------------------------------------------------------|
| \$ 300 | Disability-Based Unearned Income |
| <u>- 225</u> | \$225 Income Disregard |
| \$ 75 | Net Nonexempt Disability-Based Unearned Income |
| | |
| \$1612 | Gross Family Earned Income |
| <u>- 806</u> | 50% Earned Income Disregard |
| \$ 806 | Net Nonexempt Earnings |
| <u>+ 75</u> | Disability-Based Unearned Income |
| \$ 881 | Total Net Nonexempt Income |
| | |
| \$ 989 | MAP for Six |
| <u>- 881</u> | Total Net Nonexempt Income |
| \$ 108 | Potential Grant |
| | |
| \$ 880 | MAP for AU of Five |
| \$ 108 | Potential Grant |
| \$ 108 | Aid Payment (Lower of Potential Grant and MAP for AU) |

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| 44-207 | INCOME ELIGIBILITY (Continued) | 44-207 |
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.22 Net Nonexempt Income

.221 Net Nonexempt Income is gross income for the AU and other family members (if applicable), minus all applicable income exemptions (listed in Section 44-111) and income disregards (listed in Section 44-113).

- (a) Gross income includes: 1) earnings by part-time student applicants; and 2) current child support payments collected by the county, but does not include child support payments collected by the county for a child subject to MFG (see Section 44-314.6).

.23 Section 44-207.23(MR) shall become inoperative and Section 44-207.23(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) Financial eligibility shall be determined on the basis of actual net nonexempt income or a reasonable estimate of net nonexempt income expected to be received during the month. Such an estimate must be based on all relevant information available to the county and the recipient. To determine financial eligibility in a retrospectively budgeted month, estimated income shall not include the anticipated receipt of a regular and periodic extra paycheck. An Assistance Unit which received aid for a month based on a reasonable estimate of net nonexempt income shall not later be considered financially ineligible if actual net nonexempt income exceeds the estimate.

(QR) Once financial eligibility is established for the QR Payment Quarter, financial eligibility continues for the AU for the entire QR Payment Quarter unless the family's income exceeds the IRT (see Section 44-316.324(QR)) and the family's reasonably anticipated monthly income for the remainder of the QR Payment Quarter exceeds the MAP for the AU.

.24 Section 44-207.24(MR) shall become inoperative and Section 44-207.24(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) If aid is discontinued because estimated net nonexempt income is expected to result in financial ineligibility and this amount of income is not actually received, the county shall rescind the discontinuance and issue the correct grant.

(QR) If aid is discontinued because the monthly reasonably anticipated income is expected to result in financial ineligibility for the QR Payment Quarter and the AU reports that the monthly reasonably anticipated income will no longer exceed the MAP amount for the AU prior to the effective date of the discontinuance, the county shall rescind the discontinuance if the county determines the updated report is a reasonable estimate.

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| 44-207 | INCOME ELIGIBILITY (Continued) | 44-207 |
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.25 Adding Persons to the Assistance Unit

When adding persons to an existing AU, the AU is subject to the recipient financial eligibility test.

.3 Section 44-207.3(MR) et seq. shall become inoperative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) Treatment of Lump Sum Income

(MR) This section sets forth the methods used for treating lump sum income.

(MR) .31 Lump sum income received by any person whose income would be used in computing eligibility and grant shall be regarded as income in the month received and then regarded as property in subsequent months. (See Section 42-211.)

NOTE: Authority cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11017, 11157 (Ch. 270, Stats. 1997), 11255, 11265.1, 11265.2, 11265.3, 11280, 11450.5, 11450.12 (Ch. 270, Stats. 1997), 11450.13 (Ch. 270, Stats. 1997), and 11451.5 (Ch. 270, Stats. 1997), Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgement; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

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| 44-209 | IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FINANCIAL PARTICIPATION | 44-209 |
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.1 General

If an FBU is determined to be financially eligible and an aid payment is to be issued, it is necessary to determine whether federal financial participation is available for each person in the FBU. For purposes of determining federal financial participation, AFDC recipients shall be categorized into two groups:

- a. Federally eligible persons and
- b. Essential persons.

What follows is a description of the categories of persons who shall be included in each group.

.2 Federally Eligible Persons

.21 Children

- .211 All children who are deprived of parental support and care due to the death (Section 41-420), incapacity (Section 41-430), or continued absence (Section 41-450) of a parent.
- .212 All children who are deprived of parental support and care due to the unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.

.22 Adults

- .221 The caretaker relative of any federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.
- .222 The second parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above, when the deprivation of at least one child is the incapacity or unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.
- .223 The spouse of an incapacitated caretaker relative when the caretaker relative is a parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

.23 A pregnant woman:

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| 44-209 | IDENTIFICATION OF PERSONS FOR THE CLAIMING OF FINANCIAL PARTICIPATION (Continued) | 44-209 |
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- .231 who has no federally eligible children; and
- .232 who has provided the county with medical verification of her pregnancy (see Sections 82-836 and 88-410); and
- .233 whose child, if born, and living with the mother would have been federally eligible for AFDC in the month of payment; and either
- .234 who is under the age of 19 and has not obtained a high school diploma or its equivalent; or
- .235 whose pregnancy has reached the three-month period immediately before the month of anticipated birth. If the child is born prior to the originally estimated date of birth, the anticipated month of birth is changed to the month in which birth occurred and Federal Financial Participation is retroactively available for the three-month period prior to the month of birth.

.3 Essential Persons

- .31 An essential person is a stepparent or ASP who is not an otherwise federally eligible person under .2 and who:
 - .311 Is related to a child determined to be federally eligible under .21, or
 - .312 Is related to a child who is either receiving SSI/SSP or sanctioned by GAIN who would otherwise be federally eligible under .21.
- .32 Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

.4 Repealed by Manual Letter No. EAS-96-07, effective 9/1/96.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(2)(vii), FSA-AT-91-1 dated January 1, 1991; and Sections 10553, 10554, 10604, 11203, and 11450(b), Welfare and Institutions Code.

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| 44-211 | SPECIAL NEEDS IN CALWORKS | 44-211 |
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.1 General

- .11 Section 44-211.11(MR) shall become inoperative and Section 44-211.11(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs.

(QR) A special need is a need not common to a majority of recipients for certain goods or services which are essential for their support. The county is responsible for assisting the applicant or recipient in identifying any special needs which he/she may have. In order to meet this responsibility, the county shall give the applicant or recipient a clear explanation of the types of special need allowances which are available, and of the procedure for securing payment for those needs. See Section 44-316.312(d)(QR).

- .12 Repealed by Manual Letter 83-27, 5/5/83.

- .13 Before a payment is made which includes a special need allowance, evidence is required to establish:

- .131 That the conditions set forth below under which the need may be allowed are met,
- .132 the total cost of the need and the payment plan,
- .133 the proportion of the cost which should be borne by the recipient if the need is shared by others in the household,
- .134 the period over which the need will continue.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)**44-211****.2 Recurring Special Needs**

Section 44-211.2(MR) shall become inoperative and Section 44-211.2(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

(MR) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified monthly on the CA 7 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

(MR) The total allowance which is available for each FBU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the FBU.

(QR) A recurring special need is a special need for one of the items set forth below which results in added cost to the family and which is expected to occur during two or more months in a calendar year.

(QR) The allowance for a recurring special need cannot exceed the actual increase in costs to the family as a result of the special need. Actual costs must be verified quarterly on the QR 7 except that if special need allowance guidelines established below are utilized, the county may authorize payment at the rate indicated without verification of actual cost. However, the special need must be resubstantiated at least annually upon redetermination of eligibility and may be required more often considering the type of need and potential for change.

(QR) The total allowance which is available for each AU per month for all recurring special needs shall not exceed the amount resulting from multiplying \$10 by the number of persons in the AU.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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.21 Therapeutic Diets

.211 Special need for a therapeutic diet shall be authorized when recommended by a physician and therapeutic diets are not limited to those listed below, except that final determination of the need may be based upon consultation with the county medical consultant.

.212 The recipient is entitled to establish actual expenses related to the diet plan if it is to his or her benefit to do so. However, if the recommended diet plan includes one or a combination of the following diets, the county may pay the amount indicated for the highest cost diet without verification of actual costs:

\$15 for the following diets:

Diabetic, 2200 calories or more
High Calorie -- High protein (including special formula for infant)
Lactation (while breast feeding)

\$9 for the following diets:

Diabetic, under 2200 calories
Bland
Low Fat -- Cholesterol
Low Salt (sodium, under three grams)

.22 Other Recurring Special Needs

A recipient is eligible for a special need allowance for the following recurring special needs when the county verifies that they occur for reasons not common to a majority of recipients and that they are essential for support. Determination of any allowance shall be consistent with the following guidelines and limitations:

.221 The actual cost of special transportation except that the allowance shall not exceed the actual cost of the least expensive mode of the transportation (including common carrier) reasonably available to the recipient. The county may compute the costs for a private automobile according to the number of miles traveled at the rate of \$0.12 a mile without further documentation by the recipient. Examples of special transportation needs are where the recipient must journey an unusual distance or travel daily to receive required medical treatments.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- .222 The actual cost of special laundry. The county may allow \$3.00 per month without verification of actual cost by the recipient. An example of special laundry needs would be where a recipient is required to change and clean bedding or clothing more than usual because of a medical condition.
- .223 The actual cost of employing someone to do the cooking, washing, ironing, household cleaning, and similar chore services for members of the FBU when the county verifies that the family caretaker is unable to perform any one or more of these functions, and that such duties cannot be performed without charge by persons in the household.
- .224 The actual cost of special telephone service or equipment such as the cost of an amplifying device when a member of the household is handicapped by an auditory impairment.
- .225 The actual costs of excessive use of utilities when the county verifies that the excessive use is required for a reason not common to a majority of recipients and is essential for their support. Excessive use of utilities means the FBU's share of the actual cost of utilities is in excess of the in-kind income values for utilities for that size FBU. The county may allow \$5.00 per month without verification of actual cost by the recipient.
- .23 Where a recurring special need also qualifies as an allowable service-connected expense pursuant to Section 10-305 or Chapter 30-500, the county may authorize any combination of such funds to meet the family's needs so long as there is no duplication in aid payment. When a special need is to be met from a combination of such funds, the allowance must be based on the actual costs and not the guidelines specified above.
- .3 Nonrecurring Special Need Payments
 - .31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:
 - .311 Household emergencies resulting from sudden and unusual circumstances beyond the AU's control. (See MPP 44-211.4.)
 - .312 Homelessness when the AU is seeking permanent housing. (See MPP 44-211.5.)
 - (a) Refugee Cash Assistance (RCA) applicants/recipients are not eligible to receive AFDC homeless assistance as provided in MPP 44-211.5.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- .32 An AU is ineligible to receive a nonrecurring special need payment if it has over \$100 in nonexempt liquid resources.
- .321 The county shall evaluate nonexempt liquid resources when an AU requests a nonrecurring special need payment for any of the following:
- (a) An emergency resulting from sudden and unusual circumstances beyond the AU's control (see Section 44-211.4);
 - (b) Homeless assistance, at the time the AU applies for such assistance but not during the incident of homelessness as defined in Section 44-211.513(b).
- .33 Liquid resources of \$100 or less shall not be considered for purposes of computing the nonrecurring special need payment.

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See MPP 42-211.2 for definition of liquid resources; see MPP 40-129.21 for exceptions to the MPP 42-211.2 definitions.

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.4 Emergencies Resulting from Sudden and Unusual Circumstances Beyond the AU's Control

- .41 An AU is entitled to receive a nonrecurring special need payment to repair or replace clothing or household equipment; to provide assistance for damages to the home; or to pay for interim shelter when the AU's home was destroyed or made uninhabitable or inaccessible. (See MPP 44-211.42, .43, and .44 respectively.)
- .411 The loss or damage must have been caused by sudden and unusual circumstances beyond the AU's control.
- .412 The CWD shall determine the most feasible and economic method of repair or replacement including the provision of donated or used serviceable items.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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.413 The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.

(a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.

(b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.

.42 Clothing and Household Equipment

.421 Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.

.422 Items of household equipment which may be repaired or replaced include, but are not limited to the following:

(a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU

(b) Cook stove - \$142

(c) Refrigerator - \$190

(d) Space heater - \$73

(e) Double bed including mattress - \$143

(f) Other essential furniture - \$50

.43 Damage to the AU's Home

.431 Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.

.432 The payment shall be allowed for the following costs:

(a) Moving and/or storage costs necessitated by the damage to the home.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

.44 Interim Shelter

.441 An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.

.442 An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

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- (a) If an AU has received the nonrecurring special need for homeless assistance, and the AU's home is subsequently destroyed, made uninhabitable or inaccessible, the AU may qualify for interim shelter assistance in accordance with MPP 44-211.441.

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.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once-in-a-lifetime, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.

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See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence: or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- (d) And it has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties.

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- (1) Example: An otherwise eligible AU, who temporarily resides with another family, requests homeless assistance payments to obtain separate housing. The county determines that the AU is eligible to receive homeless assistance payments because: (1) they have a need for commercial shelter, and (2) they lack a fixed and regular nighttime residence. This is in accordance with the preliminary injunction ordered in Merriman v. McMahan, which remains in full force and effect.

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- .512 Although an AU may be considered homeless, in accordance with the definition in MPP 44-211.511, a homeless assistance payment shall not be issued to an AU if the CWD establishes that the AU has shelter at no cost.
- .513 An AU is eligible for a once-in-a-lifetime nonrecurring special need payment for homeless assistance unless the exception criteria in Section 44-211.54 or .514 is met. Homeless assistance shall only be granted for a continuous period of homelessness caused by the same specific circumstance and is limited to a maximum of one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent housing assistance, with exceptions. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. An AU may be granted a 16-consecutive-day period of temporary shelter assistance, if eligibility requirements are met (see Section 44-211.52), after a permanent housing payment has been received. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued. The initial issuance of temporary shelter and/or permanent housing payments is considered the once-in-a-lifetime homeless assistance benefit regardless of the reason for the homelessness.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (a) The AU must complete a separate Statement of Facts for Homeless Assistance (CA 42) to apply for a temporary shelter payment and/or permanent housing assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.
- (b) The period of homelessness begins:
 - (1) For emergency transfer of deposits in Section 44-211.535, on the date when the first homeless assistance payment is issued for either the once-in-a-lifetime benefit or for homeless assistance under an exception.
 - (2) For those once-in-a-lifetime exceptions limited to once in 12 months, on the date when the first homeless assistance payment is issued under one of these exceptions.
- (c) The period of homelessness ends when the AU receives the payment for permanent housing, except as specified in Section 44-211.52.

.514 An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments, except under the following conditions:

- (a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and
- (b) The new caretaker has not previously received homeless assistance on behalf of or as part of another AU, and
- (c) The former caretaker relative is no longer living in the home with the AU.

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- (d) For additional exceptions, see Section 44-211.54.

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.515 In intercounty transfer cases, the CWD where the AU resides shall be responsible for the homeless assistance eligibility determination and issuance of the homeless assistance payment from the date of the request. This is the county in which the AU is physically located and intends to reside.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (a) Eligibility for and the amount of payment for homeless assistance shall be determined using the MAP amount for the county where the AU resides.

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See Section 40-190.31.

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- .516 The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in Section 44-211.517 exist.

- (a) The CWD shall determine the most appropriate method of payment to third parties which includes, but is not limited to, direct vendor payments, two-party or restrictive endorsement checks, or voucher payments.

- .517 The county shall make restricted payments when the county establishes a finding of mismanagement of AFDC cash assistance. A restricted payment is a vendor or two-party payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness.

- (a) Mismanagement exists only when:

- (1) The county determines that the homeless assistance payment was not used for shelter; or
- (2) The AU fails to provide verification that the temporary shelter payment was spent on shelter; and/or as required under Section 44-211.532(d) for permanent housing; or
- (3) The AU provides verification which shows the homeless assistance payment was not paid to a provider who is a commercial establishment, etc., as specified in Section 44-211.526 and .532(c).
- (4) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
 - (A) A rent increase which results in the AU's rent or share of the rent being over 80 percent of the maximum aid payment, without special needs, for an AU of that size.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (B) Reasonable exercise of a tenant's right to withhold rent for cause.
 - (C) Domestic violence by a spouse, partner, or roommate.
- (b) The CWD shall do all of the following when restricted payments are provided to an AU:
 - (1) Issue the payment by one of the following methods, at the discretion of the CWD:
 - (A) Mail or delivery to the AU for delivery to the service provider.
 - (B) Mail or delivery directly to the service provider.
 - (2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:
 - (A) Providing each family with informational materials.
 - (B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment is available once-in-a-lifetime, with exceptions (see Section 44-211.541), to a homeless AU for temporary shelter, when the AU is also seeking permanent housing.

- .521** The temporary shelter payment is also available to homeless applicant AUs who are apparently eligible for AFDC.

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- (a) Apparent eligibility is defined in Section 40-129.11.
 - (1) The potentially eligible AU must meet technical conditions of eligibility as specified in Section 40-129.214(a).
 - (2) Information from any source may be considered.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (b) In determining an apparently eligible AU, do not include a person who is:
- (1) An alien applicant who does not provide verification of his/her eligible alien status; or
 - (2) A woman with no eligible children who does not provide medical verification of pregnancy; or
 - (3) A person who is sanctioned.

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- .522 An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 16-consecutive-day limit has not expired.
- .523 The payment for temporary shelter shall be issued or denied within the same working day in which the AU requests homeless assistance.
- (a) When the CWD arranges for shelter in the interim, the temporary shelter may be issued no later than the close of business on the working day following the request.
 - (b) The temporary shelter payment, or CWD arranged interim shelter, shall be issued to an otherwise eligible AU on the last CWD working day before a weekend or holiday when it is established that the AU will lack shelter on the weekend or holiday.
- .524 An AU determined to be homeless may be eligible for up to 16 consecutive days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.
- (a) The 16-consecutive-day period begins on the first day for which a temporary shelter payment is provided to an AU.
 - (b) The AU must request all temporary shelter assistance before the end of the 16-consecutive-day limit.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (c) The AU must provide verification of shelter expenditures and a housing search to receive reimbursement for temporary shelter assistance for expenses incurred within the 16-day period.
- (d) Unless homelessness and, when applicable, an exception have been verified, an initial temporary shelter payment shall be issued for up to three working days plus any nonworking days that are bracketed by the working days. If homelessness has been verified, payments are issued in accordance with Section 44-211.524(f) which permits an extension of benefits.

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(1) EXAMPLE:

An AU requests temporary shelter on a Thursday. The following Monday is a national holiday and the CWD will be closed. The CWD may issue temporary shelter benefits for six days to pay for Thursday through Tuesday nights' shelter.

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- (e) The CWD shall verify the family's homelessness within the first three working days.
 - (1) The CWD shall refer the AU to its early fraud prevention and detection unit for assistance in the verification of homelessness when the AU meets the criteria outlined in Section 20-003.2 or 20-005.322.
 - (2) Other than referrals made pursuant to Section 44-211.524(e)(1), the CWD shall obtain the AU's consent for the release of information to verify homelessness.
 - (3) If the CWD is unable to verify that the AU is homeless, the AU must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.
 - (B) Name, address and telephone number of previous landlord.
 - (C) Location where the AU is currently staying.

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (f) After homelessness and, when applicable, an exception have been verified, benefits shall be issued on a weekly basis thereafter up to seven days for a maximum total of 16 consecutive calendar days. An extension of benefits beyond the initial payment shall be based upon:
- (1) The CWD's verification of the AU's homelessness within the first three working days.
 - (2) The AU's continuing need for temporary shelter benefits.
 - (3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.
 - (A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.
 - (i) Other than cases of suspected fraud handled by the fraud unit, when the county chooses to make a collateral contact to verify housing search, the CWD must obtain the AU's consent.
 - (B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing. An AU may contact prospective landlords in person, by telephone, or in writing.

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(i) EXAMPLE

An AU requests temporary shelter benefits on a Monday and is issued three days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated with the housing search requirement in Section 44-211.524(f)(3)(B), and issue up to seven more days of temporary shelter benefits.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (ii) Good cause for not searching for permanent housing includes, but is not limited to, the following situations:
 - a. The AU does not have access to a telephone, either through having one itself, or through a friend, shelter or accessible public place, and the AU also has no transportation and is living in a rural setting that makes public transportation unfeasible.
 - b. The permanent housing located by the AU is not yet available for occupancy.
 - (C) Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524(f)(3)(B) regarding housing search.
 - (D) An AU shall not be issued temporary shelter benefits if the AU has not met the housing search requirement, as outlined in Section 44-211.524(f)(3)(B), and if applicable, has not submitted verification of an exception. If the AU subsequently meets the housing and/or verification of an exception requirement(s) within the 16-consecutive-day period, the AU shall continue to receive temporary shelter benefits for the remainder of the 16-consecutive-day period if otherwise eligible. No payment shall be issued for those days during which noncooperation existed.
 - (g) The applicant/recipient shall provide verification of the amount expended for temporary shelter after receiving a temporary homeless assistance payment but before receiving any subsequent homeless assistance payment made directly to the applicant/recipient.
 - (1) Repealed by Manual Letter No. EAS-92-01, effective 1/1/92.
- .525 The amount of the nonrecurring special need payment for temporary shelter shall be specified by the State Department of Social Services pursuant to the Budget Act.
- (a) An AU with four or fewer members shall receive a daily amount as specified in Welfare and Institutions Code Section 11450(f)(2)(A).

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (1) Effective July 22, 1999, the amount is \$40.

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- (b) The fifth and each additional member of an AU shall each receive an amount equal to one-fourth of the amount specified in MPP 44-211.525(a).

- (1) The total amount available to an AU with five or more members shall not exceed a maximum of two times the amount specified in MPP 44-211.525(a).

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- (2) Effective July 22, 1999, the amount for the fifth and each additional member of an AU shall be \$10.00.

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.526 In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

- (a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow the restricted payment provisions of Section 44-211.517.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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(1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$120. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that mismanagement of funds exists and the subsequent payment is made as a restricted payment.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$120. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

(3) Example:

The AU receives \$120 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$130 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

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.53 Permanent Housing

The once-in-a-lifetime permanent housing payment, with exceptions (see Section 44-211.541), is available to assist homeless recipient AUs in obtaining permanent housing.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- .531 A nonrecurring special need payment for permanent housing assistance shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's MAP, without special needs, for an AU of that size.
- (a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its MAP, .531 above shall not apply.
 - (b) Shared housing includes, but is not limited to, the following:
 - (1) Two or more AUs residing together;
 - (2) SSI/SSP recipient(s) residing with AFDC recipient(s);
 - (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the MAP.
- .532 An amount not to exceed two months of an AU's rent, as described in MPP Section 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.
- (a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.
 - (b) That portion of the security deposit payment, available for last month's rent shall not exceed 80 percent of the AU's MAP, without special needs, for an AU of that size.
 - (c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
 - (d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:
 - (1) The amount expended for permanent housing.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
 - (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.
 - (1) A determination that the payment was not used for permanent housing or not used to pay a commercial establishment or a person in the business of renting properties shall result in a determination that mismanagement of funds exists for any future security deposit or utility payment associated with the same incident of homelessness.
- .533 The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.532.
 - (a) The payment shall cover deposits (turn-on-fees) required for gas, electricity and/or water.
 - (b) The payment shall not include the costs of overdue utility bills.
- .534 The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:
 - (a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's MAP.
 - (1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.
 - (2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (B) Name and phone number of landlord.
- (C) Location of rental.
- (D) Terms of rental.
- (E) Dollar amount of deposits and rent.
- (b) Information necessary for the CWD to establish eligibility for AFDC.
- (c) When applicable, verification of the exception to the once-in-a-lifetime homeless assistance benefit (see Section 44-211.541).
- .535 If due to an emergency, an AU must move within the 24-month time limit specified in MPP 44-211.513, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.
 - (a) An emergency cannot result from an intentional act on the AU's part.
 - (b) If the CWD determines that the transfer was within the 24-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.
- .536 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.
 - (a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

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EXAMPLE:

A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to unusual circumstances which prompted their return to Shasta County.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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.54 Once-In-A-Lifetime Homeless Exceptions

.541 Temporary and permanent housing assistance payments are each limited to once-in-a-lifetime with the following exceptions:

- (a) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.
- (b) Limited to a maximum of one period of up to 16 consecutive calendar days of temporary shelter and one payment of permanent housing assistance in 12 months (see Section 44-211.513(b)(2)) when homelessness is the result of any of the following exceptions:
 - (1) Domestic violence by a spouse, partner, roommate, or
 - (2) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or
 - (3) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.

.542 The AU shall provide verification of the exceptional circumstance(s), described in Section 44-211.541(b), which resulted in the AU's homelessness. These circumstances shall be verified through a third-party governmental or private health and human services agency.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (a) A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph a second time in a 24-month period shall participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.
- (b) Examples of verification for the exceptions specified in Section 44-211.541(b) include the following:
 - (1) Domestic violence - copies of records or reports from police departments; medical facilities; battered women's shelters signed by an administrator, counselor or designated staff member; and Adult and Child Protective Services, Family Service Bureau, Crisis Counseling Service agencies.
 - (2) Physical or mental illness - medical verification from the appropriate treating physician, state certified nurse, nurse practitioner, physician's assistant, therapist, psychologist, licensed counselor, medical or clinical personnel with access to the patient's records who can verify the diagnosis.
 - (3) Uninhabitability of the residence - written statements or copies of reports from police departments, fire departments, the Red Cross, health department or any other agencies authorized to verify uninhabitability of the former residence.
- (c) Example: An AU applies for homeless assistance, under the exception of a mental condition. The AU had been homeless for some time and had no interim contact with any governmental or private health or human services agency which could verify that homelessness was caused by the mental condition. The AU was able to provide proof of the mental condition from a psychologist and a written statement from the former landlord stating that the AU was evicted because of disruptive behavior toward the other tenants. Based on the verification provided by the AU, the county determines that the AU is eligible for homeless assistance due to the mental illness exception.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- .543 Payments for temporary shelter and permanent housing under an exception shall only be authorized for a continuous period of homelessness caused by the same specific circumstances.

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- (a) An AU receives temporary shelter payments in January, 1996 for a verified exception of domestic violence. After receiving the temporary shelter payments, the AU returned to the former residence. In March, 1996 the AU requests the permanent housing payment with the CA 42 showing uninhabitability as the reason for homelessness. Since the AU had not been continuously homeless and the exception is different from that under which the temporary shelter payment was issued, the county determines the AU is not eligible for the permanent housing payment.
- (b) In January, 1996 an AU is issued temporary shelter payments because of uninhabitability. The residence was condemned. The AU then becomes homeless in February, 1996 because of a fire, which is declared a natural disaster by the state. The AU receives both the temporary shelter and permanent housing payments because of the disaster. In April, 1996 the AU returns requesting the permanent housing payment for the exception which began in January, 1996. The AU is again homeless because of uninhabitability. However, since the AU was not continuously homeless after the temporary shelter payment was issued in January 1996, and the current homelessness is not the result of the same specific circumstances, the county determines the AU is not eligible for the permanent housing payment.

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.6 Pregnancy Special Needs

- .61 For the purposes of this section, the term "third trimester" is defined as the beginning of the third month immediately prior to the month of anticipated birth and continuing through the month of birth.
- .62 In addition to the basic grant, a pregnancy special need payment shall be authorized for all eligible pregnant women who have provided medical verification, subject to the conditions in Sections 44-211.63 and .64.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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.63 Eligible Applicants

.631 Section 44-211.631(MR) shall become inoperative and Section 44-211.631(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) A pregnant woman with no eligible children who has applied for CalWORKs, is in her third trimester, and is eligible to receive CalWORKs shall be entitled to receive the pregnancy special need payment from the date of application through the month of birth.

(QR) A pregnant woman with no eligible children who has applied for CalWORKs, is in her third trimester, and is eligible to receive CalWORKs shall be entitled to receive the pregnancy special need payment from the date of application through the end of the quarter in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-quarter, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Sections 44-316.312(d)(QR) and 44-318.15(QR)).

.632 Section 44-211.632(MR) shall become inoperative and Section 44-211.632(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) A pregnant teen with no other eligible children in an AU of one who is under the age of 19, has not obtained a high school diploma or its equivalent and is otherwise eligible to receive CalWORKs, shall receive the pregnancy special need payment from the date of application through the month of birth.

(QR) A pregnant teen with no other eligible children in an AU of one who is under the age of 19, has not obtained a high school diploma or its equivalent and is otherwise eligible to receive CalWORKs, shall receive the pregnancy special need payment from the date of application through the end of the quarter in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-quarter, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.314(QR)).

.633 Section 44-211.633(MR) shall become inoperative and Section 44-211.633(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

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| 44-211 | SPECIAL NEEDS IN CALWORKS (Continued) | 44-211 |
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- (MR) A pregnant woman who has applied for CalWORKs as part of an assistance unit with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the month of birth.
- (QR) A pregnant woman who has applied for CalWORKs as part of an AU with other eligible persons or was the caretaker of a person in accordance with Section 82-820.22 and who is eligible shall be entitled to receive the pregnancy special need payment from the date of application through the end of the quarter in which the child is expected to be born once required verification has been provided. If the birth of the child is voluntarily reported mid-quarter, the pregnancy special need payment shall be discontinued at the end of the month prior to the month in which the newborn is added into the AU (see Section 44-316.314(QR)).

.64 Eligible Recipients

- .641 Section 44-211.641(MR) shall become inoperative and Section 44-211.641(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
- (MR) The pregnancy special need payment for a pregnant woman who is receiving CalWORKs in an assistance unit with eligible persons shall be granted from the first of the month in which the county received the medical verification through the month of birth.
- (QR) The pregnancy special need payment for a pregnant woman who is receiving CalWORKs in an AU with eligible persons shall be granted from the month of the request continuing through the end of the quarter in which the child is expected to be born or the end of the month prior to the newborn being added to the AU, pursuant to Section 44-318.15(QR), once required verification has been provided.
- .642 Section 44-211.642(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.
- (QR) The recipient is only required to verify pregnancy initially (when the pregnancy is reported) and when the pregnancy continues beyond the originally estimated date of birth.

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.65 A pregnancy special need payment is \$47 per month.

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NOTE: Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code; and Statutes of 1995, Chapter 307, Section 24 (AB 908). Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(A)(i), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, and 45 CFR 234.60(a)(2)-(11); and 42 U.S.C.A., Section 606(b).

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| 44-212 | MINIMUM BASIC STANDARD OF ADEQUATE CARE | 44-212 |
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- .1 Definition -- The Minimum Basic Standard of Adequate Care is set forth in W&I Code Section 11452, as the amount which is necessary to provide an Assistance Unit with the following:
 - .11 Housing
 - .12 Clothing
 - .13 Food
 - .14 Utilities
 - .15 Items for household operation, education and incidentals, recreation, personal needs, and insurance.
 - .16 Essential medical, dental, or other remedial care not otherwise provided at public expense
 - .17 Has been deleted per Manual Letter No. 77-045.
- .2 The Minimum Basic Standard of Adequate Care set forth in Welfare and Institutions Code Section 11452 and previously distributed to the counties for each size AU (see Chapter 82-800 for composition of the AU) is in Section 44-207.212.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

| 44-213 | STANDARDS OF ASSISTANCE AU COMPOSITION AND NEED | Regulations |
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| 44-213 | MEDICAL NEEDS - GENERAL | 44-213 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-215 | PERSONS WHO DO NOT MEET REQUIREMENTS FOR INCLUSION IN THE FAMILY BUDGET UNIT | 44-215 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-217 | SUBSTANDARD HOUSING | 44-217 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-223 | A MOTHER IN A MATERNITY HOME | 44-223 |
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

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| 44-267 | SPECIAL NEED PAYMENT FOR CHILD'S RETURN HOME FROM FOSTER CARE | 44-267 |
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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.